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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/803,360

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Werner Zagler

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CROWELL & MORING LLP  
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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

03/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/803,360

**Applicant(s)**

ZAGLER, WERNER

**Examiner**

Julie Lieu

**Art Unit**

2612

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This Office action is in response to Applicant's RCE and amendment filed March 12, 2008. Claim 1 has been canceled. Claims 2, 3, 5, and 9 have been amended. New claim 10 has been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

3. Claims 2, 3, 5, 6, 8, 9, and 10 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm (DE 4203512C1) (cited by the applicant).

#### Claim 5:

Boehm discloses a system for facilitating entry into or out of a motor vehicle having at least one vehicle door, in which window is lowerable and closeable and to which an opening/closing detecting device is assigned, the system comprising:

An unlocking device (release switch, page 6, line 5);

A control device (inherent) for controlling window actuator; and

Wherein the control device has inputs which receive a signal reflecting an unlock command to arm a complete window lowering operation (page 11, last paragraph) and signals which correspond to an opening of the door and close of the door (page 11, second paragraph), the control device automatically triggering the complete window lowering operation to lower the

window of the vehicle door by operating actuator upon receive the receiving the unlock command but only if, either simultaneously or subsequently, the door opening signal from handle button 10 has been received, (page 11, last paragraph).

The double unlock command is not used in Boehm. However, it would have been obvious to one skilled in the art to use double door release command as desired because it is only a choice in design to differentiate between functions. For example, vehicles with remote door lock/unlock functions used to unlock all doors upon the actuation of the unlock button once, but nowadays, a single unlock command would unlock the driver door and the use of a double unlock command is used to differentiate from the single unlock command to unlock all doors. Therefore, a skilled artisan would have used the double unlock command to allow to the system in Boehm to recognize that additional function, other than to unlock the doors, is desired. Furthermore, as pointed out on page 3 of the Board of Appeals decision dated Jan. 20, 05, the specification of the present invention pages 1 and 2 and the summary of invention of the Brief admits that this is known in the art. Therefore, a skilled artisan would have applied this known techniques in the system of Boehm as desired since it is well known and familiarized by one of ordinary skill in the art.

Claim 6:

The control device in Boehm operates the actuator to completely close the window of the vehicle door after the vehicle door is closed. Page 12, last paragraph in Boehm discloses when the vehicle door is closed the window pane is raised into the closed the closed position.

Claim 8:

Though Boehm does not include a remote door lock/unlock device, it is conventionally

used nowadays with most vehicles. Therefore, it would have been obvious to one skilled in the art to modify the system in Boehm to be used with a remote door lock/unlock device. All door unlock/lock remote control devices comprise a door command point.

Claim 10:

Boehm disclose a method of facilitating entry into or out of a motor vehicle, the method comprising the acts of:

receiving an unlock door command signal (page 6, line 5) to unlock a vehicle door and to arm a complete window lowering operation for a window of the vehicle door;

automatically triggering the complete window lowering operation only upon a simultaneous or subsequent opening of the vehicle door.

See page 11, second and last paragraphs.

Claim 9:

The rejection of claim 9 recites the rejection of claim 10, except it is a software which is inherently disclosed in Boehm for the system to carry out those functions.

Claim 2:

The rejection of claim 2 recites the rejection of claim 6, except it is a method claim.

Claim 3:

The rejection of claim 3 recites the rejection of claim 8, except it is a method claim.

4. Claims 4 and 7 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm (DE 4203512C1) (cited by the applicant) in view of Bledin (US Patent No. 6,144,790).

Claim 7:

It is not clear whether the Boehm system include the anti-squeeze feature. However, such concept is conventional in the art as taught in Bledin. See abstract. Therefore, it would have been obvious to one skilled in the art, by the time the invention was made, to incorporate this feature in the Boehm vehicle because it would nicely enhance the safety feature of the Boehm vehicle system.

Claim 4:

The rejection of claim 4 recites the rejection of claim 7 except it is a method claim.

*Applicant's argument*

5. The Applicant has presented the following arguments:

The Applicant has asserted that the method of the present invention automatically triggers the complete window lowering operation only upon a simultaneous or subsequent opening of the vehicle door. The Applicant has further argued that, in contrast, Boehm requires the activation of the complete window lowering operation while the door is still closed, but after having been unlocked.

*Response to Applicant's argument*

6. Applicant's arguments have been fully considered but they are not persuasive.

It should be noted that Boehm also discloses the complete window lowering operation only upon either a simultaneous or subsequent opening of the vehicle door as discussed above in the rejection.

Regarding the argument that Boehm requires the activation of the complete window lowering operation while the door is still closed, but after having been unlock, it is submitted the term "open" or "opening" and "close" or "closing" is not clear in the specification as to exactly whether the door panel is positioned providing an opening for exit/entry from the vehicle main body or it is merely just an "open" signal indicating the door is unlocked. Moreover, in the Applicant's argument presented in the remarks filed 11/02/05, "the window is completely lowered as soon as the double unlock command is received and the door is opened, not apparently the examiners interpretation of this language that the door itself must open", it appears that the applicant intend to say that the window is completely lowered as soon as the double unlock command is received and the door is unlock instead of "open" and it is how the term "open" is construed based in this statement. Furthermore, claim 1 and its corresponding method claim recites "only upon a simultaneous....". If the Applicant's term "open" means that the door panel must be pivoted away from the vehicle body (e.g. to allow entry/exit), then how could the door open signal simultaneously received with the unlock command? Doesn't the door need to be unlocked BEFORE it can be opened?

Based on Applicant's argument filed 11/02/05, and claim language, it is clear "open" simply means unlocked. Therefore, the Boehm system triggers the complete window lowering operation upon subsequent "opening" of the vehicle door as claimed in the claimed invention.

Moreover, it should be noted that the handle 10 in Boehm's system must be operated in excess of one (1) second for the window lowering operation to trigger, thus, it is inherent that the door open signal is inherent since that door latch is inherently in the open position and also it is natural for a user to pull open the door if the user intends to enter the vehicle.

For the above stated reasons, the Applicant's argument is not deemed persuasive.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julie Lieu/  
Primary Examiner, Art Unit 2612

Mar 21, 08